*The Proceedings of*

# MEET THE PRESS

as broadcast nationwide by the National Broadcasting Company, Inc., are printed and made available to the public to further interest in impartial discussions of questions affecting the public welfare. Transcript may be obtained by sending a stamped, self-addressed envelope and ten cents for each copy to:

*Merkle Press Inc. Box 2111, Washington, D. C. 20013*

(*Division Publishers Co., Inc.*)

***MEET THE PRESS** is telecast every Sunday over the NBC Television Network. This program originated from NBC in Washington, D.C.*

**Television Broadcast 1:00-1:30 P.M. EST**
**Radio Broadcast 6:30-7:00 P.M. EST**

*The National Broadcasting Company Presents*

# MEET THE PRESS

*America's Press Conference of the Air*

*Produced by* LAWRENCE E. SPIVAK

*Guest:*
JOHN N. MITCHELL,
*The Attorney General*

VOLUME 13 SUNDAY, NOVEMBER 2, 1969 NUMBER 42

*Merkle Press Inc. Printers and Periodical Publishers*
*Division of Publishers Co. Inc.*
*Box 2111, Washington, D. C. 20013*

10 cents per copy

# MEET THE PRESS

---

**MR. NEWMAN:** Our guest today on MEET THE PRESS is the Attorney General of the United States, John N. Mitchell. Mr. Mitchell was a member of President Nixon's former law firm and served as his campaign manager in the 1968 election.

We will have the first questions now from Lawrence E. Spivak, permanent member of the MEET THE PRESS panel.

**MR. SPIVAK: Mr. Attorney General, when the Supreme Court the other day ordered immediate desegregation of our public schools, you were reported as saying that the Justice Department intends to bring every available resource to bear in enforcing the Supreme Court's order. Specifically what does that mean?**

**GENERAL MITCHELL:** Mr. Spivak, the Supreme Court has now stated that it is time to eliminate the dual school systems that were established under a *de jure* system in the south. What we are saying in the Justice Department is that as the matter is referred—and it has been referred by the Supreme Court to the Fifth Circuit Court for implementation of the Supreme Court's determinations and orders—that, as the Fifth Circuit and other circuits come through with their determinations as to how the dual school system should be eliminated, the Justice Department will use all of its facilities at its command to carry out the concept established by the Supreme Court in the specific orders of the various circuit courts and district courts.

**MR. SPIVAK: If the states do not act as they should under the order, what is available to the Justice Department? What can you do? What steps can you take?**

**GENERAL MITCHELL:** We would assume, Mr. Spivak, that now that the Supreme Court has spoken in this respect—and it is a new concept out of the Court—this is the first time that the Supreme Court has said, "now," for a complete elimination of the dual system—we would expect that the school districts would

comply with the requirements of the Supreme Court contained in its order. If they do not, there of course will be further action in the Circuit Court as there will be in the Fifth Circuit under the Supreme Court order in the Mississippi cases, and perhaps following through after we know what the procedural guidelines are that will be established in the District Courts; and the Justice Department will see that the orders of those particular courts are carried out, to comply with the new mandate of the Supreme Court.

**MR. SPIVAK: Mr. Attorney General, what has concerned a great many people is a statement by Jerris Leonard, Chief of the Civil Rights Division of the Justice Department, who said there would not be enough "bodies and people to enforce a ruling for immediate desegregation in the Mississippi school cases." Do you have enough bodies and people to enforce the Supreme Court ruling?**

**GENERAL MITCHELL:** I would go back, Mr. Spivak, to the statement I just made. We assume that now that the Supreme Court has spoken the local school boards will comply with it. If they do not, obviously the Justice Department will be obligated to take action.

I would point out that in this area—and we will need more guidance from the Fifth Circuit as to how these procedures are to follow—we, when we came into office, went in for a supplemental appropriation in the 1969 appropriation bill to get more lawyers for the Civil Rights Division. Our appropriation bill pending before Congress provides for an implementation of the Civil Rights Division by 22 percent increase. We are hopeful that that appropriation will be acted upon.

Our fiscal '71 budget, which is under preparation now, is going to provide for additional people in the Civil Rights Division, not only to take care of our school desegregation cases, but the other aspects of the enforcement of the Civil Rights Acts.

Based upon this, I would feel that with the cooperation of the courts and with the activities that will be carried on in the Justice Department we will have enough bodies and personnel to implement the orders that have to be implemented. But I say again, I presume that now that the Court has spoken, the responsible people in the school districts throughout this country will recognize their obligation and implement it to the point where the Justice Department does not have to act.

**MR. SPIVAK: Are we to understand by this, though, that if the Justice Department has to act, you will use all the means at the disposal of the Justice Department, just as for example Pres-**

**ident Eisenhower did when he went into Little Rock and President Kennedy did when he went into Mississippi?**

**GENERAL MITCHELL:** Yes, Mr. Spivak, we will use all the facilities in the Justice Department, not only in the Civil Rights Division but we have the ability to transfer lawyers from one division to another, and we will do that if it is necessary. We also have in the past and currently are talking to Secretary Finch about using lawyers out of HEW, and with respect to the requirements of implementing the process of the Court, I would point out to you that we have had a substantial number of U. S. Marshals from other parts of the country and certain Southern states during the initiation of this past school year. We have done it in cooperation with local officials to make sure that we had a limitation on the friction created, and we feel that the area of cooperation and the time of cooperation has arrived where we will not find it necessary to use any means other than persuasion in order to implement the order of this Court.

(Announcements)

**MR. GRAHAM: Mr. Attorney General, turning to the specifics of the Justice Department's action in the wake of the Supreme Court decision, the Justice Department is a party or friend of the court now in 182 school cases in the south.**

**Do you intend to go into court and move, initiate actions for immediate desegregation?**

**GENERAL MITCHELL:** Mr. Graham, I think we are a party to a lot more cases than you recount in one form or another. We have this matter under review at the current time. We expect to get guidance from the Fifth Circuit Court.

As you are well aware, they have set Wednesday, November 5th, for receipt of recommendations and proposed orders in this matter and, as the guidance develops from the Fifth Circuit where most of these cases lie, we will make a determination as to how we proceed. We have these matters under review at the present time.

**MR. GRAHAM: I understand there are also other cases, Mr. Mitchell, in which courts have either ordered desegregation beginning the first of the next schoool year or HEW has agreed in contracts with school boards to give them until the next school year. Now, what happens to those?**

**GENERAL MITCHELL:** This is true, and this is part of the review process. As you, being the astute newspaperman that you

are, recognize, the nature of the court order—the court order said that it is no longer appropriate to operate a dual school system, that it must now be operated as a unitary system. So in our review of these particular school districts and particular cases we are looking to see whether the situation now complies with the mandate of the court that it be a unitary system. There are many degrees in this area that relate to the individual school district, and that is the process we are reviewing.

**MR. GRAHAM: You mentioned the large number of cases involved here, General Mitchell. Of course, these are all in the South, and in recent weeks we have heard complaints from Southern leaders, and particularly Senator John Stennis of Mississippi, that there are only seven school cases in the North and that they feel now there should be more action in this area in the North and let the people in the North appreciate what is happening down there.**

**What do you feel about that assertion on the part of those gentlemen?**

**GENERAL MITCHELL:** We have two problems involved there. One is the fact that the court has addressed itself, particularly in the most recent decision that we are talking about, the Mississippi school cases relating to, *de jure* segregation. Our cases in the North are based on that concept. There has been a *de jure* segregation. The court has not spoken to the *de facto* segregation problem. It does not mean that it is not a problem, because it does exist. We were surprised to find that when we came into office in this administration that there was no information on the *de facto* segregation in the North or in the border states. We are working on this problem because in many areas *de facto* segregation caused by housing patterns and other facets is just as difficult to handle and just as unreal as the *de jure* segregation that existed in the South.

We do have these seven cases going in the North. We do have, particularly through HEW, an examination of this problem, and if we find we have the legal means and the physical means to do so, we will address ourselves to that just as readily.

**MR. KILPATRICK: Mr. Attorney General, if I might direct your attention to the pending nomination of Clement Haynsworth to the Supreme Court: in retrospect, sir, are you satisfied with the investigation that preceded your recommendation to the White House?**

**GENERAL MITCHELL:** Yes, sir, most assuredly so. We

went through all of the normal processes that had taken place previously with respect to nominations to the court. By this I mean tax returns, financial statements, the Federal Bureau of Investigation's activities, and, in addition to that, I personally talked to Judge Haynsworth at some length about his past activities.

We had in the Department of Justice the complete review of the Carolina Vend-O-Matic matter that had been considered by the Fourth Circuit Court of Appeals and by Robert Kennedy when he was the Attorney General—

**MR. KILPATRICK: Were you familiar with all of his stock holdings prior to the recommendation?**

**GENERAL MITCHELL:** We were familiar with the complete list of his stock holdings, and I might add, Mr. Kilpatrick, that I think what is even more important, through people in my department and outside that I particularly trust, we covered the entire judicial and legal fraternity of the Fourth Circuit to ascertain their opinion with respect to Judge Haynsworth, and I must say that, based upon the formal investigations we had—the type of investigation that I have just mentioned—not only was I satisfied then with respect to the nomination but, as is President Nixon, I am more than satisfied now.

**MR. KILPATRICK: Mr. Attorney General, then how do you account for the opposition in the Senate if these conflict of interest charges are in fact specious or flimsy? Why should 45 senators be opposing Clement Haynsworth?**

**GENERAL MITCHELL:** First of all, Mr. Kilpatrick, I don't think 45 Senators are, but leaving that assumption aside, I would point out, as I have said before, that in this climate we are presently in with respect to appointments to the Supreme Court and what has happened in the past, particularly with respect to the Justice Fortas matter, I would reiterate what I have said once before, that if the President of the United States had nominated one of the Twelve Apostles, he would have had the same problem.

**MR. STERN: Mr. Mitchell, representatives of the Justice Department have their fifth meeting tomorrow with organizers of the mid-November peace demonstrations in Washington. The major hang-up seems to be the government's determination or reluctance to have a half million emotionally-stimulated people march past the White House. Is it your wish or that of the President that they be barred from marching past the White House?**

**GENERAL MITCHELL:** Mr. Stern, we have no wish to deny the First Amendment rights, or the rights to petition, to appear in the nation's capital, to anybody. What we do have is a problem of order. We have heard reports that there may be between a quarter and a half million people in Washington during this three-day period. I personally don't believe that it is going to come about, but the Justice Department and the government of the City of Washington have grave responsibilities in determining the permits that should be issued to these people. We do not want to, of course, impinge in any way on their right to exercise their First Amendment rights or to peaceably petition their government. These are things that are granted by the Constitution, and we intend to see them through.

We do, however, have to maintain public safety, and it is through this problem that the Justice Department, along with the city government here in the District of Columbia, are negotiating with these people to make sure whatever activities are carried on during that second week in November protect the property and the lives of the people here in the District.

**MR. STERN: Does that mean that they can or cannot go past the White House?**

**GENERAL MITCHELL:** They have been past the White House before, and if the appropriate demonstration—if that is the word they want to use—is limited to the excesses—or not in excess, but limited to the aspects that we can control of it, there is no problem about going by the White House. They did it on October 15th.

**MR. STERN: Do you agree with Vice President Agnew's characterization of the leaders of these demonstrations as "effete snobs" and "vultures" and so on.**

**GENERAL MITCHELL:** First of all, you have to put the demonstrations in the category to which you want to address yourself. Are you talking about the October 15th Moratorium or are you talking about the prospects that may come about during the second week in November? If you are talking about the prospects of the second week in November, I would be even stronger than Vice President Agnew. I would say that some of the stated, known members of the Coordinating Committee that is running the joint operation here in Washington are more than snobs. They are active militants who want to destroy some of the processes and some of the institutions of our government.

**MR. SPIVAK: Mr. Attorney General, as I am sure you know, it has been rumored around that President Nixon never met Judge Haynsworth before he nominated him. Can you tell us whether or not that is so and what the importance of that is?**

GENERAL MITCHELL: That is no rumor, Mr. Spivak. The President has stated that publicly on a number of occasions. I don't believe it has any importance, and if you are interested in the process of judicial selection, particularly with respect to the Supreme Court, I can outline it for you.

When this administration came into office, there was every anticipation—which turned out to be a reality—that the Chief Justice of the Supreme Court would retire. He did. The President directed the Justice Department to provide him with a total list of prospective nominees to the Supreme Court that might be available for that position. We did so. We reviewed the Federal Court System, staying within age limitations and qualifications and other aspects that you might anticipate that we would under the President's direction. We reviewed the sitting Justices of the Appellate Courts of the states. We reviewed the professors of the law schools and the practicing attorneys in the United States of sufficient renown to warrant consideration. We came up with a panel that had perhaps 150 names on it, and among those, of course, were Chief Justice Burger and Chief Judge Haynsworth of the Fourth Circuit Court of Appeals. The President, of course, as you know, selected from that panel Chief Justice Burger. When the Fortas seat became available on the court, we went back through that process and recommended to the President a number of judges and other people for his consideration. Among them was Chief Judge Haynsworth, and it was the selection that was made off that panel.

**MR. SPIVAK: With the whole country to pick from on the basis of legal scholarship, judgment and ethical sensitivity, do you still believe that Haynsworth was the best man you could have selected?**

GENERAL MITCHELL: I have not retracted from that concept, that Judge Haynsworth is eminently qualified for that Court, and I do not retract from the fact that the President made a proper selection or designation of Judge Haynsworth as the nominee. I would point out to you, Mr. Spivak, that Judge Haynsworth is the Chief Judge of the Fourth Circuit, he has a distinguished record. He fits in with the President's concept that we should have a balanced Court. We should have not only the liberal—the people that would interpret the Constitution in a liberal frame—but we should have some strict constructionists on that

Court in order to balance it out. Judge Haynsworth has those attributes, and I would point out that with respect to his ethical aspects he has had the complete approval of the American Bar Association that established the canon of judicial ethics, after all of the record was in at the Senate Judiciary Committee hearings. So that I am happy that the President not only has nominated Judge Haynsworth but that he has stood by his selection.

**MR. SPIVAK: Mr. Attorney General, for the first six months—I would like to take you to crime for a minute—for the first six months of 1969 the increase in major crimes in Washington was 22 percent, against nine percent for the country. Armed robberies increased 50 percent, and in September, armed robberies reached the highest on record, something like 821.**

**Now Washington is the one city in this country where the federal government is the agency responsible for law enforcement. Why, in view of that, haven't you been able to do something about it?**

**GENERAL MITCHELL:** Mr. Spivak, I can give you a very full answer to that subject matter. On January 31, 11 days after this Administration came into office, the President of the United States sent to the Congress a program for the reduction and elimination of crime in the D. C. It, of course, was a multiple approach. It had to do with police—where he has directed or suggested, since he doesn't control the purse strings, that there be an additional thousand police in the D. C. We have provided for court reorganization. We have provided for the reorganization of the bail act. We have provided for more public defenders. We have provided for more judges. We have provided for the penal institutions' reorganization. I must say, Mr. Spivak, that we have not had one of those pieces of legislation come out of Congress. We have not had one appropriation come out of Congress, and as you know, when you operate on a continuing resolution of the Congress with respect to appropriations you are limited to the particular programs which were in effect with respect to the budgetary year past. So that while we have a program for the District of Columbia, and we believe it will work, we have not been able to implement it for the lack of those legislative processes.

**MR. NEWMAN:** About four minutes left, gentlemen.

**MR. GRAHAM: Mr. Mitchell, we understand that yesterday when the Judicial Conference of the United States met, it voted unanimously to inform Congress that it disapproved of the amendment recently passed in the Senate, sponsored by Senator**

**George Murphy, which could in effect gut the legal services to the poor programs sponsored by the Office of Economic Opportunity.**

**What do you feel about Senator Murphy's amendment?**

**GENERAL MITCHELL:** As a lawyer, Mr. Graham, of course I have to look at the concept of the Murphy amendment in the light of how the party litigant selects its counsel, and of course one of the first things I learned as a lawyer was that every party litigant had a right to his own counsel. I think that the interposition of anybody, whether it be the governor of the state or otherwise, into that process is not appropriate. I would hasten to add that I am talking as a lawyer. The problem arises in OEO, and I am sure that they will make the appropriate decision of the Administration policy. But I would hasten to add that this is not all black and white, because our Justice Department is overflooded with suits in certain areas, particularly in the case of water rights of Indians and remote things like this that we have to get a handle on. So whatever funds are provided for counsel under the OEO program, they are directed appropriately to the rights of the people involved and do not get into extenuating circumstances where they should not be.

**MR. NEWMAN:** About two minutes left.

**MR. KILPATRICK: On the first of January, Mr. Attorney General, J. Edgar Hoover will be 75 years old. There has been much speculation in Washington that he would take this occasion to retire as Director of the FBI. Could you confirm or deny those reports?**

**GENERAL MITCHELL:** I can neither confirm nor deny, but I can add to the general lure of the subject which so many people are interested in that the President has appointed J. Edgar Hoover to be the Director of the Federal Bureau of Investigation. Mr. Hoover does have a record of substantial accomplishments in that capacity, and he has stated publicly that he hopes to serve so long as his health and ability can carry him forward on a proper basis.

Mr. Hoover has recently had his annual physical check-up. He is in great health, and I personally hope that he will continue in that capacity for some time to come.

**MR. STERN: During "Operation Intercept" you caught one marijuana transporter for every about 100,000 persons searched. Was it trimmed back because it was a fiasco in that sense, or because the State Department warned you you would lose Mexi-**

**can support for the President's Latin American policy announced on Friday?**

**GENERAL MITCHELL:** Neither, Mr. Stern. We feel that Project Intercept was a great success in many ways. We all know that we have a tremendous problem on the Mexican border. Eighty per cent of the marijuana that comes into this country comes through Mexico. Twenty per cent of our heroin and a great deal of narcotics and dangerous drugs, some of them that are manufactured in this country and sent outside and come back across that border. We are going to be able to take care of this, but I think that Project Intercept has kept that narcotics and dangerous drugs on the other side of the border. We now have the cooperation of the Mexican Government, and it will be a great step forward. I am sure the Latin American policy of the President is entirely divorced from it.

**MR. NEWMAN:** I am sorry, our time is up. Thank you, Attorney General Mitchell, for being with us today on MEET THE PRESS.